

NOT YET SCHEDULED FOR ORAL ARGUMENT

**IN THE UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT**

CENTER FOR BIOLOGICAL
DIVERSITY,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Respondents.

No. 25-1005

**NOTICE OF WITHDRAWAL OF RESPONDENTS' MOTION TO HOLD
CASE IN ABEYANCE**

Respondents the United States Environmental Protection Agency and Administrator Lee Zeldin hereby withdraw their motion to hold this matter in abeyance, ECF No. 2104802.

1. On January 6, 2025, Petitioner petitioned this Court for review of EPA's final rule entitled Review of Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter, 89 Fed. Reg. 105692 (Dec. 27, 2024) ("Final Rule"). ECF No. 2093044.

2. On January 8, 2025, this Court issued an order setting the schedule for initial filings in this case, ECF No. 2093047, which it extended at EPA's request on February 5, 2025, ECF No. 2099046.

3. On March 10, 2025, EPA filed an opposed motion to hold this case in abeyance to afford EPA's new administration to review this matter. ECF No. 2104802.

4. On March 20, 2025, Petitioner filed its opposition to EPA's motion. ECF No. 2106710.

5. During the pendency of EPA's motion, EPA's new administration has been reviewing the underlying rule and this matter. EPA has now completed its review and is ready to proceed with this litigation.

6. Pursuant to the Court's February 5, 2025, scheduling order, EPA filed its certified index to the administrative record on March 26, 2025. ECF No. 2107767.

7. EPA has conferred with opposing counsel and anticipates submitting a joint proposed briefing schedule on or before April 25, 2025.

8. Accordingly, EPA respectfully withdraws its motion to hold this matter in abeyance.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

/s/ Kimere J. Kimball
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DATE: April 10, 2025

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice was filed with the Clerk of the Court using the CM/ECF system, which will send notification of said filing to the attorneys of record, who are required to have registered with the Court's CM/ECF system.

Date: April 10, 2025

/s/ Kimere J. Kimball
KIMERE J. KIMBALL

Counsel for Respondents